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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,214	10/13/2004	Petrus Adrianus Josephus Holten	NL 020348	2149
24737 7590 08/30/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER CARTER, WILLIAM JOSEPH	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 08/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,214

Applicant(s)

HOLTEN ET AL.

Examiner

William J. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

In claim 1, lines 9-10, "the side" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins (4,755,916).

With respect to claim 1, Collins teaches a luminaire (Fig. 2) comprising: a main reflector (10) with a light emission window (38); a counter reflector (32) positioned opposite to the main reflector (Fig. 2); means (28 and 44) for accommodating at least one electric lamp (30 and 46) positioned in between the main reflector and the counter reflector (Fig. 2), characterized in that the counter reflector is provided with a light-transmitting cover (40) which is positioned at a side of the counter reflector facing away from the means for accommodating the at least one lamp (Fig. 2), and which cover has a light entry face (area where 38 and 40 meet) exposed to the light mission window

(Fig. 4), and which cover has a light exit surface (bottom surface of 40) at the side facing away from the means for accommodating the at least one lamp (Figs. 2 and 4).

As for claim 3, Collins teaches the cover (40) is an optical waveguide (column 4, lines 11-12; being that the cover is made of glass, the internal reflection from the transmitted light will make the cover act as an optical waveguide).

As for claim 8, Collins teaches the cover (40) is provided with a light-outcoupling element (column 4, lines 11-12; being that the cover is made of glass, the internal reflection from the transmitted light will make the cover act as diffusing lens).

As for claim 9, Collins teaches the light-outcoupling element (40) is chosen from the group consisting of a lens, a prism, a diffuser body, and combinations thereof (column 4, lines 11-12; being that the cover is made of glass, the internal reflection from the transmitted light will make the cover act as diffusing lens).

As for claim 10, Collins teaches the diffuser body (40) is provided at a side of the cover facing away from the counter reflector (Fig. 2), which diffuser body is partly recessed in the cover (Fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (4,755,916) in view of Azorin (6,536,909).

With respect to claim 1, Collins teaches a luminaire (Fig. 2) comprising: a main reflector (10) with a light emission window (38); a counter reflector (32) positioned opposite to the main reflector (Fig. 2); means (28 and 44) for accommodating at least one electric lamp (30 and 46) positioned in between the main reflector and the counter reflector (Fig. 2), characterized in that the counter reflector is provided with a light-transmitting cover (40) which is positioned at a side of the counter reflector facing away from the means for accommodating the at least one lamp (Fig. 2), and which cover has a light entry face (area where 38 and 40 meet) exposed to the light mission window (Fig. 4), and which cover has a light exit surface (bottom surface of 40) at the side facing away from the means for accommodating the at least one lamp (Figs. 2 and 4). Collins does not explicitly teach the cover further includes opaque diffuser bodies that are partly recessed in the cover at the side of the cover facing away from the means for accommodating the at least one lamp. Azorin, also drawn to luminaries, teaches a cover (20) includes opaque diffuser bodies (42) in a cover at the side of the cover facing away from (Fig. 1) the means for accommodating at least one lamp (14) and diffuser bodies (41) that are partly recessed in the cover (Fig. 1). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the diffusing bodies and the orientation of Azorin in the luminaire of Collins, in order to diffuse propagated light (column 2, lines 55-56).

As for claim 3, Collins further teaches the cover (40) is an optical waveguide (column 4, lines 11-12; being that the cover is made of glass, the internal reflection from the transmitted light will make the cover act as an optical waveguide).

As for claim 8, Collins further teaches the cover (40) is provided with a light-outcoupling element (column 4, lines 11-12; being that the cover is made of glass, the internal reflection from the transmitted light will make the cover act as diffusing lens).

As for claim 9, Collins further teaches the light-outcoupling element (40) is chosen from the group consisting of a lens, a prism, and combinations thereof (column 4, lines 11-12; being that the cover is made of glass, the internal reflection from the transmitted light will make the cover act as diffusing lens).

As for claim 10, Collins further teaches the outcoupling element (40) is provided at a side of the cover facing toward the counter reflector (Fig. 2).

With respect to claims 4-6, Collins and Azorin teach all of the claimed elements, as discussed above, except for explicitly teaching the cover is connected to the counter reflector via suspension means; the cover essentially only contacts the counter reflector with its suspension means; and the suspension means are formed by an outer edge of the counter reflector. Collins does teach a cover (38) is connected to a reflector (10) via suspension means (36); the cover essentially only contacts the counter reflector with its suspension means (Fig. 2); and the suspension means are formed by an outer edge of the counter reflector (Fig. 2). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the suspension means taught with the main

reflector in the cover of the counter reflector, in order to hold the cover in place (column 4, lines 4-7).

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins and Azorin as applied to claims 1 and 4 above, and further in view of Ramer (6,334,700).

With respect to claims 2 and 7, Collins and Azorin teach all of the claimed elements, as discussed above, as well as Collins teaches the counter reflector (32) consists of a reflector provided on (Fig. 2) a side of the cover (40) facing towards the means (28 and 44) for accommodating the at least one electric lamp (30 and 46). Collins and Azorin do not explicitly teach the reflector consisting of a reflective coating. Ramer, also drawn to luminaires, teaches a reflector consisting of a reflective coating (column 6, lines 55-59). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the coating of Ramer on the cover of Collins, in order to provide improved performance over prior light distributors (column 6, lines 62-63).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins and Azorin as applied to claim 1 above, and further in view of Staiger et al. (5,065,287).

With respect to claim 11, Collins and Azorin teach all of the claimed elements, as discussed above, except for explicitly teaching an edge of the cover is coated with a color filter. Staiger, also drawn to luminaires, teaches a cover coated with a color filter (column 5, lines 28-31). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the color filter coating of Staiger on the cover of Collins, in order to meet a desired coloring output from the reflector (column 5, lines 28-31).

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Contrary to page 6 of the Amendment (page 2 of the Arguments), it is not the examiner's position that Collins teaches the amended elements of claim 1. The examiner has never taken the position that Collins teaches "opaque diffuser bodies that are partly recessed in the cover at the side of the cover facing away from the means for accommodating the at least one lamp." It is the examiners position that Azorin teaches the amended elements of claim 1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wjc
08/21/07

/Ali Alavi/
Primary Examiner